

## PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

### Subpart LL—Oklahoma

#### § 272.1850 [Reserved]

#### § 272.1851 Oklahoma State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), the EPA granted Oklahoma final authorization for Base program effective January 10, 1985. Subsequent program revision applications were approved effective on June 18, 1990, November 27, 1990, June 3, 1991, November 19, 1991, November 29, 1993, December 21, 1994, April 27, 1995, March 14, 1997 and July 14, 1998.

(b) *State Statutes and Regulations.* (1) The Oklahoma statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) The EPA Approved Oklahoma Statutory Requirements Applicable to the Hazardous Waste Management Program, August 1997.

(ii) The EPA Approved Oklahoma Regulatory Requirements Applicable to the Hazardous Waste Management Program, August 1997.

(2) The following statutes and regulations concerning State procedures and enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Oklahoma Hazardous Waste Management Act, as amended, 27A Okla-

homa Statute (O.S.) 1997 Edition, effective August 30, 1996, Sections 2-2-104, 2-7-102, 2-7-104, 2-7-105 (except 2-7-105(27), 2-7-105(29) and 2-7-105(34)), 2-7-106, 2-7-107, 2-7-108(B)(2), 2-7-110(A), 2-7-113.1, 2-7-115, 2-7-116(A), 2-7-116(G), 2-7-116(H)(1), 2-7-123, 2-7-126, 2-7-129, 2-7-130, 2-7-131 and 2-7-133.

(ii) The Oklahoma Administrative Code (OAC), Title 252, Chapter 200, 1996 Edition, effective July 1, 1996: Subchapter 1, Section 252:200-1-1(b); Subchapter 11, Section 252:200-11-2; and Subchapter 13, Sections 252:200-13-1 and 252:200-13-3.

(iii) The May 15, 1997 issue of the Oklahoma Register (14 Ok Reg 1609 and 1611), effective June 2, 1997: Subchapter 3, Section 252:200-3-2(1).

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statute (O.S.) 1997 Edition, effective August 30, 1996, Sections 2-7-119 and 2-7-121.

(ii) The Oklahoma Administrative Code (OAC), Title 252, Chapter 200, 1996 Edition, effective July 1, 1996: Subchapter 8; Subchapter 13, Section 252:200-13-4; Subchapter 17; and 252:200 Appendices.

(4) Unauthorized State Provisions: The State's adoption of the Federal rules listed below, while incorporated by reference at paragraph (b)(1) of this Section, is not approved by EPA and are, therefore, not enforceable:

| Federal requirement   | FEDERAL REGISTER Reference                                   | Publication date |
|---|--|------------------|
| Delisting .....   | 50 FR 28702: Amendments to 260.22(a) through 260.22(e) ..... | 07/15/85         |
| Toxicity .....  | 55 FR 40834 .....  | 10/05/90         |
| Characteristics .....   | 56 FR 3978 .....   | 02/01/91         |
| Hydrocarbon Recovery Operations .....   | 56 FR 13406 .....  | 04/02/91         |
| Toxicity Characteristics; Chlorofluorocarbon Refrigerants.                                      | 56 FR 5910 .....   | 02/13/91         |
| Administrative Stay for K069 Listing .....  | 56 FR 19951 .....  | 05/01/91         |
| Amendments to Interim Status Standards for Downgradient Ground-water Monitoring Well Locations. | 56 FR 66365 .....  | 12/23/91         |
| Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable.                 | 57 FR 5859 .....   | 02/18/92         |

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VI and the State of Oklahoma signed by the EPA Regional Administrator on September 20, 1996, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority.* “Attorney General’s Statement for Final Authorization,” signed by the Attorney General of Oklahoma on January 20, 1984 and revisions, supplements and addenda to that Statement dated January 14, 1988 (as amended July 20, 1989); December 22, 1988 (as amended June 7, 1989 and August 13, 1990); November 20, 1989; November 16, 1990; November 6, 1992; June 24, 1994; December 8, 1994; and March 4, 1996, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[63 FR 23676, Apr. 30, 1998]

EFFECTIVE DATE NOTE: At 63 FR 23676, Apr. 30, 1998, § 272.1851 was revised, effective July 14, 1998. For the convenience of the user, the superseded text is set forth as follows:

**§ 272.1851 Oklahoma State-Administered Program: Final Authorization.**

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Oklahoma has final authorization for the following elements as submitted to EPA in Oklahoma’s base program application for final authorization which was approved by EPA effective on January 10, 1985. Subsequent program revision applications were approved effective on June 18, 1990, November 27, 1990, June 3, 1991, and November 19, 1991.

(b) *State Statutes and Regulations.* (1) the Oklahoma statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Oklahoma Statutory Requirements Applicable to the Hazardous Waste Management Program, September, 1993.

(ii) EPA Approved Oklahoma Regulatory Requirements Applicable to the Hazardous

Waste Management Program, September, 1993.

(2) The following statutes and regulations concerning State enforcement, although not incorporated by reference, are part of the authorized State program:

(i) Oklahoma Controlled Industrial Waste Disposal Act, 63 O.S. 1991, Sections 1–2001.1, 1–2003, 1–2003.1, 1–2004 (except 1–2004(19) through 1–2004(21) and 1–2004(27) through 1–2004(34)), 1–2004.1, 1–2004.2, 1–2005, 1–2005.1, 1–2005.3, 1–2006, 1–2006.1(A), 1–2007, 1–2008(A), 1–2008(G), 1–2008(H)(1), 1–2009.1(B), 1–2011, 1–2012, 1–2012.1, 1–2013, and 1–2013.1.

(ii) Industrial Waste Management Regulations, Chapter 270, Title 310 The Oklahoma Administrative Code, December 31, 1991: Subchapter 3, Section 310:270–3–2(1); Subchapter 11, Sections 310:270–11–1(a)(6), 310:270–11–1(e), 310:270–11–2; Subchapter 13, 310:270–13–1, and 310:270–13–3.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) Oklahoma Controlled Industrial Waste Disposal Act, 69 O.S. 1991, Sections 1–2005.2 and 1–2005.3A.

(ii) Industrial Waste Regulations, Chapter 270, Title 310 The Oklahoma Administrative Code, December 31, 1991: Subchapter 11, Sections 310:270–11–1(c) portion addressing application fees, 310:270–11–1(d) portion addressing application fees; Subchapter 13, Section 310:270–13–4; and Subchapter 17.

(4) *Unauthorized State Provisions:* The State’s adoption of the Federal rules listed below, while incorporated by reference at 40 CFR 272.1851(a), is not approved by EPA and are, therefore, not enforceable:

| Federal requirement  | Federal Register reference | Publication date |
|--|----------------------------|------------------|
| Liability Requirements .....                                       | 53 FR 33938                | 09/01/88         |
| Delay of Closure Period for Hazardous Waste Management Facilities. | 54 FR 33376                | 08/14/89         |
| Mining Waste Exclusion I   | 54 FR 36592                | 09/01/89         |
| Testing and Monitoring Activities.                                 | 54 FR 40260                | 09/29/89         |
| Mining Waste Exclusion II  | 55 FR 2322                 | 01/23/90         |
| Modification of F019 Listing.                                      | 55 FR 5340                 | 02/14/90         |
| Testing and Monitoring Activities; Technical Corrections.          | 55 FR 8948                 | 03/09/90         |
| Criteria for Listing Toxic Wastes; Technical Amendment.            | 55 FR 18726                | 05/04/90         |
| Land Disposal Restrictions for Third Scheduled Wastes (Non-HSWA).  | 55 FR 22520                | 06/01/90         |

Additionally, Oklahoma is not yet authorized to implement any HSWA requirements in lieu of EPA. EPA will continue to enforce the Federal HSWA standards until the State

receives specific HSWA authorization from EPA.

(5) *Memorandum of Agreement*. The Memorandum of Agreement between EPA Region VI and the State of Oklahoma signed by the EPA Regional Administrator on March 22, 1991, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority*. "Attorney General's Statement for Final Authorization", signed by the Attorney General of Oklahoma on January 20, 1984 and revisions, supplements and addenda to that Statement dated January 14, 1988 (as amended July 20, 1989, December 22, 1988 (as amended June 7, 1989 and August 14, 1990), November 20, 1989, and September 16, 1990, are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description*. The Program Description dated and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[58 FR 52681, Oct. 12, 1993]

#### **§§ 272.1852—272.1899 [Reserved]**

#### APPENDIX A TO PART 272—STATE REQUIREMENTS

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#### OKLAHOMA

The statutory provisions include:

Oklahoma Hazardous Waste Management Act, as amended, 27A Oklahoma Statute (O.S.) 1997 Edition, effective August 30, 1996, Sections 2-7-103, 2-7-108(A), 2-7-108(B)(1), 2-7-108(B)(3), 2-7-108(C), 2-7-110(B), 2-7-110(C), 2-7-111(A), 2-7-111(B) (except the last sentence and the phrase "recycling" in the first sentence), 2-7-111(C)(2)(a) (except the phrase

"Except as provided in subparagraph b of this paragraph" and the word "recycling" in the first sentence), 2-7-111(D), 2-7-111(E) (except the word "recycling" in the first sentence), 2-7-112, 2-7-116(B) through 2-7-116(F), 2-7-116(H)(2), 2-7-118(A), 2-7-124, 2-7-125 and 2-7-127.

Copies of the Oklahoma statutes that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P. O. Box 64526, St. Paul, Minnesota 55164-0526.

The regulatory provisions include:

The Oklahoma Administrative Code (OAC), Title 252, Chapter 200, effective July 1, 1996: Subchapter 1, Sections 252:200-1-1(a) and 252:200-1-2; Subchapter 3, Sections 252:200-3-1, 252:200-3-5, 252:200-3-6; Subchapter 5, Sections 252:200-5-3, 252:200-5-5; Subchapter 7, Sections 252:200-7-1 through 252:200-7-4; Subchapter 9 (except 252:200-9-2, 252:200-9-6 and 252:200-9-7); Subchapter 11, Sections 252:200-11-1 (except the phrases "or off-site recycling" and "(TSDRs)"), 252:200-11-3(a) (except the word "recycling"), 252:200-11-3(b) through 252:200-11-3(d), 252:200-11-4(a)(1) (except the phrases "Except as otherwise provided in this Section" and "or recycling"), 252:200-11-4(a)(5) (except the phrase "For the purposes of this section"), 252:200-11-4(b) through 252:200-11-4(e); and Subchapter 13, Sections 252:200-13-2 introductory paragraph, 252:200-13-2(1) and 252:200-13-2(2) first sentence.

The May 15, 1997 issue of the Oklahoma Register (14 Ok Reg 1609 and 1611), effective June 2, 1997: Subchapter 3, Sections 252:200-3-2 (except 252:200-3-2(1)&(11)) and 252:200-3-4; Subchapter 5, Sections 252:200-5-1, 252:200-5-4 and 252:200-5-6; and Subchapter 9, Section 252:200-9-2.

Copies of the Oklahoma regulations that are incorporated by reference can be obtained from The Oklahoma Register, Office of Administrative Rules, Secretary of State, 101 State Capitol, Oklahoma City, Oklahoma 73105.

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